



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2301430  
**Applicant Name:** Randall Spaan  
**Address of Proposal:** 8306 54<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide two (2) parcels into four (4) parcels of land. Proposed parcel sizes are: A) 4,926 square feet; B) 5,000 square feet; C) 5,000 square feet; and D) 5000 square feet. The existing structures are to remain.

The following approval is required:

**Short Subdivision** - to subdivide two existing parcels into four parcels.-  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
  
   ☐ DNS with conditions  
  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction

**BACKGROUND DATA**

**Site & Area Description**

The 19,926-square foot project site is located in a Residential, Single-family 5,000 (SF 5000) zone in South Seattle near Pritchard Beach and Seward Park. The parcel has 16 feet of street frontage on Seward Park Avenue South and is located between South Budd Court (a private street) to the north and South Grattan Street to the south. In addition, 54<sup>th</sup> Avenue South ends at the south edge of the subject site.

Seward Park Avenue South is classified as a minor arterial and is improved with curbs, gutters, planting strips, and sidewalks. 54<sup>th</sup> Avenue South has a residential street classification; the roadway is paved, but there are no curbs, gutters, or sidewalks.

The site is flat, having a maximum slope of no more than approximately 15 percent, and no environmentally critical areas (ECAs) have been mapped on the site. Much of the significant vegetation was removed by previously permitted development. One 18-inch “tulip tree” would remain on the east property line. Two single-family houses are currently under construction on the subject site.<sup>1</sup> The houses would be located on proposed Parcels B and C.

The surrounding area is also zoned SF 5000, and a conservancy recreation (CR) shoreline environment is located approximately 220 feet east of the subject site. The area is primarily developed with single-family residences of varying age and size. Lot sizes also vary in the area; lots along South Budd Court to the north range from approximately 4,000 to 7,200 square feet, and nearby properties to the north range from approximately 5,200 square feet to 21,000 square feet.

### Project Description

The proposed short plat would subdivide two (2) existing parcels into four (4) parcels of land with proposed lot areas as follows: Parcel A) 4,926 square feet; Parcel B) 5,000 square feet; Parcel C) 5,000 square feet; and Parcel D) 5,000 square feet. Proposed Parcel A would have 16 feet of street frontage on Seward Park Avenue South. Parcel C would have direct access from 54<sup>th</sup> Avenue South. Proposed Parcels B and D would have indirect access to either Seward Park Avenue South or 54<sup>th</sup> Avenue South via existing and proposed ingress and egress easements.

### Public Comment<sup>2</sup>

The 14-day public comment period was extended to 28 days by written request and ended May 21, 2003. Approximately 21 written comments were submitted during the comment period. Most of the comments raised concerns about the status of an existing access easement (private right-of-way), increased density, neighborhood compatibility, and drainage. These concerns are addressed in the subsequent short plat analysis.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*

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<sup>1</sup> The houses are addressed as 8304 Seward Park Avenue South (MUP #2204895) and 8306 54<sup>th</sup> Avenue South (MUP #2203375). The houses were approved on lots created under Short Plat #9902675.

<sup>2</sup> It should be noted that the land use notice posted on the subject site incorrectly depicted the site as including two additional lots to the east. Because the error showed that *additional* parcels would be affected, surrounding property owners were actually given more notice of the proposed action. Therefore, the error was inconsequential.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, Seattle City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Residential, Single-family 5,000 (SF 5000) with a minimum lot size of 5,000 square feet. Three of the four proposed lots would meet the minimum lot size (Parcels B, C, and D); however, the proposed lot area for Parcel A is 4,926 square feet. SMC 23.44.010(B)(1)(b) allows the creation of lots under 5,000 square feet under certain circumstances. Specifically, a new undersized lot must be (1) at least 75% of the required minimum lot area and (2) at least 80% of the mean lot area of the lots on the same block face in the same zone. This is known as the “75/80 rule.”

Proposed Parcel A meets the requirements of the 75/80 rule. First, the proposed lot area of 4,926 square feet is 98.5% of the 5,000-square foot minimum lot area. This meets the 75% requirement. Second, the mean lot area of the block face in the same zone is 5,700 square feet.<sup>3</sup> Therefore, proposed Parcel A’s lot area of 4,926 square is 86% of the block face’s mean lot area. This meets the 80% requirement. Based on these calculations, proposed Parcel A would meet the minimum lot area exception of SMC 23.44.010(B)(1)(b).

During the public comment period, neighbors questioned the inclusion of the easement area within Parcel A’s total proposed lot area. Per SMC 23.84.024, “lot area” includes “the total area of the horizontal plane within the lot lines of a lot.” Therefore, because the easement is located within Parcel A’s proposed lot lines, the area of the easement should be included in the total lot area.

In single-family zones, maximum lot coverage is 35% of the lot area or 1,750 square feet, whichever is greater. For the two lots (Parcels B and C) that are undergoing the

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<sup>3</sup> The correct “block face” for Parcel A’s “75/80” calculation extends from 7966 Seward Park Avenue South to 8328 Seward Park Avenue South and excludes the subject site. Lots fronting on 54<sup>th</sup> Avenue South should not be used for Parcel A’s 75/80 calculation because Parcel A would have not frontage on that street.

construction of single-family residences, conformity to lot coverage requirements must be maintained. Both proposed Parcels B and C would have a lot coverage of 1,312 square feet. Therefore, these lots would continue to meet code requirements for lot coverage.

In addition to lot coverage, conformity to requirements for front, side, and rear yards for Parcels B and C must be maintained. The applicant submitted a plan sheet that dimensions required front, side, and rear yards for both proposed Parcels B and C. Therefore, these lots would continue to meet code requirements for yards.

Finally, proposed Parcels A and D would provide adequate buildable area to meet applicable lot coverage and yard requirements and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed Parcel A would have 16 feet of street frontage on Seward Park Avenue South. Parcel C would have direct access from 54<sup>th</sup> Avenue South. Proposed Parcels B and D would have indirect access to either Seward Park Avenue South or 54<sup>th</sup> Avenue South via existing and proposed ingress and egress easements.

During the public comment period, many neighbors raised concerns about the status of the 16-foot wide access easement (termed a “right-of-way” in the original recording document) that connects the site to Seward Park Avenue South. Based on comparison with the easement’s 1911 recording document and subsequent agreements, it appears that the proposed short plat would not alter any existing rights of neighbors, if any, to use the easement for access.

Furthermore, each of the four proposed lots would have access to 54<sup>th</sup> Avenue South, a public street. Proposed Parcel C would have direct access to 54<sup>th</sup> Avenue South, and proposed Parcels A, B, and D would have indirect access to 54<sup>th</sup> Avenue South via access easements. Although the 54<sup>th</sup> Avenue South right-of-way is not improved with curbs, gutters, or sidewalks, these improvements are not required for a four-lot short plat per SMC 23.53.015(D)(2)(b)(1)(i).

Seattle City Light reviewed the proposed short plat and has determined that an easement would be required to provide adequate electrical service. The applicant should include the required easement on the face of the final recording documents.

Finally, the Seattle Fire Department reviewed the proposed short plat and approved the design on May 1, 2003.

Since two parcels are proposed without street frontage, easements or covenants will be required to allow for the display of address signage visible from appropriate public streets.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension.

The Short Plat application was reviewed by Seattle Public Utilities, and a Water Availability Certificate was issued on May 14, 2003 (WAC #2003-00450).

There is an existing 8-inch public sanitary sewer (PSS) located in the Seward Park Avenue South right-of-way. Sidesewer permits would be required prior to new construction in the future.

In addition to the PSS, there is also a 12-inch public storm drain (PSD) located in the Seward Park Avenue South right-of-way. This mainline discharges to a Designated Receiving Water. During the course of short plat review, several neighbors raised concerns about drainage requirements. In response, DCLU's drainage reviewer evaluated the existing infrastructure and applicable code requirements. In conclusion, applicable codes and policies require that all stormwater runoff that is required to be collected be discharged to the existing PSD. A standard drainage control plan would be required prior to issuance of any related construction permit, and detailed drainage requirements would be made at that time.

The applicant should provide any necessary easements on the face of the plat for sanitary sewer and storm drain connections from the proposed lots to the Seward Park Avenue South right-of-way.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision would meet all the applicable provisions of the Land Use Code. Specifically, the proposed development would have adequate access for vehicles, utilities and fire protection, as well as adequate drainage, water supply and sanitary sewage disposal. Furthermore, the general public interest would be served because additional opportunities for housing would be provided within City limits as a result of this short subdivision.

A final concern raised by public comment relates to the Washington State limitation on short platting within a five-year period. RCW 58.17.060 states in part:

“...Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries...”

The neighbors indicated that the RCW provisions prohibited the approval of this short plat application because a previous four-lot short plat was approved fewer than five years ago (Short Plat #9902675, recorded in 1999). However, RCW 58.17.020 allows the legislative authority of a city to set the number of lots allowed in a short plat to a maximum of nine lots. Per SMC 23.24.010, the Seattle City Council has established that short plats within the City may include as many as nine lots. Therefore, the RCW five-year limitation would prohibit the creation of more than nine lots by the short platting process. The previous four-lot short plat (#9902675) and the present four-lot short plat application would not create more than nine lots.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in a mapped environmentally critical area as defined by SMC 25.09.240. DCLU conducted an additional site visit to investigate a neighbor's concerns about observed groundwater. After investigation, DCLU determined that the existing site conditions did not indicate the presence of a wetland. Therefore, the provisions of SMC 25.09.240 do not apply to this short plat proposal.

6. *Is designed to maximize the retention of existing trees;*

An 18-inch diameter tulip tree (*liriodendron tulipifera*) is located on the east property line of proposed Parcel D. The tree's location along the property line and outside of the lot's buildable area suggests that it would be retained indefinitely. All other trees of significant size had already been removed from the site prior to this short plat application.

Future construction would be subject to the provisions of SMC Sections 23.44.008, 25.11.050, and 25.11.060 which set forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit lot subdivision; therefore, this section is not applicable to the proposal.

## **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### **Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned. All existing easements for access or utilities must be shown on the plat.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat: *“New single-family dwelling unit construction is subject to the applicable code provisions of SMC 23.44.008(I), 25.11.050, and 25.11.060 relating to tree requirements.”*
4. On the face of the plat, include any necessary easements to allow sanitary sewer and storm drainage connections from Parcels B, C, and D to the Seward Park Avenue South right-of-way.
5. On the face of the plat, provide easements or covenants to allow for the proper posting of address signage visible from the street for proposed parcels without street frontage (Parcels B and D).
6. Include the Seattle City Light easement as described in the Seattle City Light memorandum dated May 15, 2003, and “Exhibit A to Short Plat No. 2301430, P.M. #240435-2-071B” on the final plat.

### **After Recording and Prior to Issuance of a Building Permit**

7. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: (signature on file) Date: July 17, 2003

Leslie C. Clark, AICP  
Land Use Planner